

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PATRICIA PLUMMER,

Petitioner,

v.

SUSAN DAVIS,

Respondent.

NO. 2:07-CV-13857
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

OPINION AND ORDER DENYING MOTION FOR RECONSIDERATION

Patricia Plummer ("Petitioner"), a state prisoner currently confined at the Huron Valley Women's Facility in Ypsilanti, Michigan, filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On January 21, 2010, this Court denied the petition and dismissed it with prejudice. (Dkt. 23). In the same Opinion and Order, the Court declined to issue a Certificate of Appealability and denied Petitioner leave to proceed in forma pauperis on appeal. On February 23, 2010, Petitioner filed an Application to Proceed In Forma Pauperis ("IFP") on Appeal (Dkt. 25), which the Court treated as a Motion for Reconsideration and denied on February 26, 2010. (Dkt. 26). Petitioner has filed another Application to Proceed IFP on Appeal (Dkt. 29) despite the fact that this Court has denied her IFP status on two occasions. The latest IFP Application is identical to the one previously denied by the Court and appears to seek reconsideration of the denial of her Motion for Reconsideration.

I. STANDARD

Eastern District of Michigan Local Rule 7.1(h) provides that a motion for reconsideration shall be granted only if the movant can 1) “demonstrate a palpable defect by which the court and the parties have been misled,” and 2) show that “correcting the defect will result in a different disposition of the case.” E.D. Mich. LR 7.1(h)(3). “A ‘palpable defect’ is ‘a defect that is obvious, clear, unmistakable, manifest, or plain.’ ” *United States v. Lockett*, 328 F.Supp.2d 682, 684 (E.D. Mich. 2004) (citing *United States v. Cican*, 156 F.Supp.2d 661, 668 (E.D. Mich.2001)). A motion for reconsideration which presents the same issues already ruled upon by the court, either expressly or by reasonable implication, will not be granted. E.D. Mich. LR 7.1(h)(3); *Czajkowski v. Tindall & Assocs., P.C.*, 967 F.Supp. 951, 952 (E.D. Mich. 1997).

II. DISCUSSION

Petitioner has not “demonstrate[d] a palpable defect by which the court and the parties have been misled,” the correction of which would “result in a different disposition of the case” as required in order for the court to grant a motion for reconsideration. E.D. Mich. LR 7.1(h)(3). In her Application, Petitioner presents no more than the identical issue already ruled upon - twice - by the Court. The Court admonishes Petitioner to refrain from filing repetitive motions; otherwise the Court will bar her from filing future civil motions in this Court. Accordingly, Petitioner’s motion for reconsideration is **DENIED.**

IT IS SO ORDERED.

Dated: April 21, 2010

S/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
April 21, 2010, by electronic and/or ordinary mail.

S/Josephine Chaffee
Deputy Clerk